



Reprinted  
February 21, 2001

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## HOUSE BILL No. 1951

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DIGEST OF HB 1951 (Updated February 20, 2001 3:53 PM - DI 102)

**Citations Affected:** IC 16-42; IC 25-27.5.

**Synopsis:** Prescribing of legend drugs by physician's assistants. Gives a physician assistant authority to prescribe legend drugs. Authorizes a physician to delegate prescribing privileges to a physician assistant. Restricts a physician assistant from prescribing, administering, or monitoring general anesthesia, regional block anesthesia, or deep sedation unless: (1) a physician is physically present in the area to assist in the patient's management; and (2) the physician assistant is qualified to rescue patients from deep sedation and competent to manage a compromised airway and to provide adequate oxygenation and ventilation.

**Effective:** July 1, 2001.

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### Welch, Brown C, Becker, Crosby

(SENATE SPONSORS — MILLER, SIMPSON)

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January 17, 2001, read first time and referred to Committee on Public Health.  
February 14, 2001, reported — Do Pass.  
February 19, 2001, read second time, ordered engrossed.  
February 20, 2001, engrossed. Read third time, recommitted to Committee of One, amended, passed. Yeas 89, nays 4.

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HB 1951—LS 7133/DI 77+



Reprinted  
February 21, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1951

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 16-42-19-5 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. As used in this  
3       chapter, "practitioner" means any of the following:

- 4           (1) A licensed physician.
- 5           (2) A veterinarian licensed to practice veterinary medicine in  
6           Indiana.
- 7           (3) A dentist licensed to practice dentistry in Indiana.
- 8           (4) A podiatrist licensed to practice podiatric medicine in Indiana.
- 9           (5) An optometrist who is:
  - 10           (A) licensed to practice optometry in Indiana; and
  - 11           (B) certified under IC 25-26-15.
- 12           (6) An advanced practice nurse who meets the requirements of  
13           IC 25-23-1-19.5.
- 14           (7) **A physician assistant certified under IC 25-27.5 who is**  
15           **delegated prescriptive authority under IC 25-27.5-5-6.**

16       SECTION 2. IC 25-27.5-1-1 IS AMENDED TO READ AS  
17       FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This article does not

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apply to the following:

(1) A physician assistant trainee or a student enrolled in a physician assistant or a surgeon assistant educational program accredited by ~~the CAHEA~~, **an accrediting agency**.

(2) A physician assistant employed in the service of the federal government while performing duties incident to that employment.

(3) A health care professional, technician, ~~and~~ **or** other assistant or employee of a physician who performs delegated tasks in the office of a physician but who does not render services as a physician assistant or profess to be a physician assistant.

SECTION 3. IC 25-27.5-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.5. "Administer a drug" means the direct application of a drug, whether by injection, inhalation, ingestion, or any other means, to the body of a patient.**

SECTION 4. IC 25-27.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. "Approved program" means a physician assistant or a surgeon assistant program accredited by ~~CAHEA~~, **an accrediting agency**.

SECTION 5. IC 25-27.5-2-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4.5. "Accrediting agency" refers to any of the following, including a successor agency to any of the following:**

(1) **Accreditation Review Commission on Education for the Physician Assistant.**

(2) **Commission on Accreditation of Allied Health Education Programs.**

(3) **Committee on Allied Health Education and Accreditation of the American Medical Association.**

SECTION 6. IC 25-27.5-2-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5.5. "Deep sedation" means a controlled state of depressed consciousness, accompanied by partial loss of protective reflexes, including the inability to respond purposefully to a verbal command, produced by a pharmacologic method.**

SECTION 7. IC 25-27.5-2-7.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 7.3. "Dispense" means issuing one (1) or more doses of a drug in a suitable container with appropriate labeling for subsequent administration to or use by a**

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1 patient or issuing medical devices.

2 SECTION 8. IC 25-27.5-2-7.5 IS ADDED TO THE INDIANA  
3 CODE AS A NEW SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2001]: **Sec. 7.5. "General anesthesia" means**  
5 **a controlled state of unconsciousness, accompanied by a partial or**  
6 **complete loss of protective reflexes, including the inability to**  
7 **independently maintain an airway and respond purposefully to**  
8 **physical stimulation or verbal command, produced by a**  
9 **pharmacologic method.**

10 SECTION 9. IC 25-27.5-2-7.8 IS ADDED TO THE INDIANA  
11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2001]: **Sec. 7.8. "Light conscious sedation"**  
13 **means a minimally depressed level of consciousness under which**  
14 **an individual retains the ability to independently and continuously**  
15 **maintain an airway and respond appropriately to physical**  
16 **stimulation and verbal command, produced by a pharmacologic**  
17 **method.**

18 SECTION 10. IC 25-27.5-2-10 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 10. "Physician**  
20 **assistant" means an individual who has:**

- 21 (1) graduated from a physician assistant or a surgeon assistant
- 22 program accredited by the CAHEA, CAAHEP, or a successor
- 23 agency; and
- 24 (2) passed the certifying examination administered by the
- 25 NCCPA and maintains certification by the NCCPA; and
- 26 (3) been certified by the committee.

27 SECTION 11. IC 25-27.5-2-12.5 IS ADDED TO THE INDIANA  
28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2001]: **Sec. 12.5. "Regional block anesthesia"**  
30 **means spinal anesthesia, epidural anesthesia, major peripheral**  
31 **nerve blocks, and intravenous extremity blocks, but does not**  
32 **include local infiltration anesthetics and digital blocks.**

33 SECTION 12. IC 25-27.5-4-1 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1. An individual must**  
35 **be certified by the committee before the individual may practice as a**  
36 **physician assistant. The committee may grant a certificate as a**  
37 **physician assistant to an applicant who does the following:**

- 38 (1) Submits an application on forms approved by the committee.
- 39 (2) Pays the fee established by the board.
- 40 (3) Has:
- 41 (A) successfully completed an educational program for
- 42 physician assistants or surgeon assistants accredited by the



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~~CAHEA~~, an accrediting agency; and

**(B) has passed the Physician Assistant National Certifying Examination administered by the NCCPA or other examination approved by the committee and maintains current NCCPA certification.**

(4) Submits to the committee any other information the committee ~~requires~~ **considers necessary** to evaluate the applicant's qualifications.

(5) Presents satisfactory evidence to the committee that the individual has not been:

(A) engaged in an act that would constitute grounds for a disciplinary sanction under IC 25-1-9; ~~and or~~

(B) the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a physician assistant without endangering the public.

SECTION 13. IC 25-27.5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a) This chapter does not apply to the practice of other health care professionals set forth under IC 25-22.5-1-2(a)(1) through IC 25-22.5-1-2(a)(19).**

**(b) This chapter does not allow the independent practice by a physician assistant of any of the activities of other health care professionals set forth under IC 25-22.5-1-2(a)(1) through IC 25-22.5-1-2(a)(19).**

SECTION 14. IC 25-27.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. A physician assistant must engage in a dependent practice with physician supervision. A physician assistant may perform the duties and responsibilities, **including prescribing and dispensing drugs and medical devices,** that are delegated by the supervising physician. **A patient may elect to be seen, examined, and treated by the supervising physician.**

SECTION 15. IC 25-27.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) ~~The board may adopt rules under IC 4-22-2 to determine the appropriate use of prescription drugs by a physician assistant.~~ **Except as provided in subsections (b) and (c), a physician assistant may prescribe, dispense, and administer drugs and medical devices or services to the extent delegated by the supervising physician.**

**(b) A physician assistant may not prescribe, dispense, or administer ophthalmic devices, including glasses, contact lenses, and low vision devices.**

**(c) A physician assistant may not prescribe, administer, or**



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1 monitor general anesthesia, regional block anesthesia, and deep  
 2 sedation. A physician assistant may not administer light conscious  
 3 sedation during diagnostic tests, surgical procedures, or obstetric  
 4 procedures unless the following conditions are met:

5 (1) A physician is physically present in the area and is  
 6 immediately available to assist in the management of the  
 7 patient.

8 (2) The physician assistant is qualified to rescue patients from  
 9 deep sedation and is competent to manage a compromised  
 10 airway and to provide adequate oxygenation and ventilation.

11 (d) As permitted by the board, a physician assistant may use or  
 12 dispense only drugs prescribed or approved by the supervising  
 13 physician. **Prescription and administration of drugs may include:**

14 (1) all legend drugs approved by the supervising physician;  
 15 and

16 (2) not more than a seven (7) day supply of scheduled  
 17 substances listed under IC 35-48-2 approved by the  
 18 supervising physician.

19 (e) Notwithstanding subsection (b), a physician assistant may not  
 20 dispense a scheduled substance listed under IC 35-48-2.

21 (e) Physician assistants may request, receive, and sign for  
 22 professional samples and may distribute professional samples to  
 23 patients if the samples are within the scope of the physician  
 24 assistant's prescribing privileges delegated by the supervising  
 25 physician.

26 SECTION 16. IC 25-27.5-5-6 IS ADDED TO THE INDIANA  
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) A supervising physician  
 29 may delegate authority to a physician assistant to prescribe:

30 (1) legend drugs, except as provided in IC 25-27.5-5-4(c);

31 (2) not more than a seven (7) day supply of controlled  
 32 substances (as defined in IC 35-48-1-9) at one (1) time; and

33 (3) medical devices except ophthalmic devices, including  
 34 glasses, contact lenses, and low vision devices.

35 (b) Any prescribing authority delegated to a physician assistant  
 36 must be expressly delegated in writing by the physician assistant's  
 37 supervising physician.

38 (c) A physician assistant who is delegated the authority to  
 39 prescribe legend drugs or medical devices must do the following:

40 (1) Enter on each prescription form that the physician  
 41 assistant uses to prescribe a legend drug or medical device:

42 (A) the signature of the physician assistant;



(B) the initials indicating the credentials awarded to the physician assistant by the NCCPA; and

(C) the physician assistant's state certificate number.

(2) Comply with all applicable state and federal laws concerning prescriptions for legend drugs and medical devices.

(d) A supervising physician may delegate to a physician assistant the authority to prescribe only legend drugs and medical devices that are within the scope of practice of the licensed supervising physician or the physician designee.

(e) A physician assistant who is delegated the authority to prescribe controlled substances under subsection (a) must do the following:

(1) Obtain an Indiana controlled substance registration and a federal Drug Enforcement Administration registration.

(2) Enter on each prescription form that the physician assistant uses to prescribe a controlled substance:

(A) the signature of the physician assistant;

(B) the initials indicating the credentials awarded to the physician assistant by the NCCPA;

(C) the physician assistant's state certificate number; and

(D) the physician assistant's federal Drug Enforcement Administration (DEA) number.

(3) Comply with all applicable state and federal laws concerning prescriptions for controlled substances.

(f) A supervising physician may delegate to a physician assistant the authority to prescribe only controlled substances that may be prescribed within the scope of practice of the licensed supervising physician or the physician designee.

SECTION 17. IC 25-27.5-2-4 IS REPEALED [EFFECTIVE JULY 1, 2001].

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1951, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN C, Chair

Committee Vote: yeas 11, nays 1.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1951 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 2, line 4, strike "CAHEA,".

Page 2, line 4, delete "CAAHEP, or a successor agency." and insert **"an accrediting agency."**

Page 2, line 19, strike "CAHEA,".

Page 2, line 19, delete "CAAHEP, or a successor agency." and insert **"an accrediting agency."**

Page 2, line 22, delete "'CAAHEP" refers to the" and insert **"Accrediting agency" refers to any of the following, including a successor agency to any of the following:**

**(1) Accreditation Review Commission on Education for the Physician Assistant.**

**(2) Commission on Accreditation of Allied Health Education Programs.**

**(3) Committee on Allied Health Education and Accreditation of the American Medical Association."**

Page 2, delete lines 23 through 24, begin a new paragraph and insert:

"SECTION 6. IC 25-27.5-2-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5.5. "Deep sedation" means a controlled state of depressed consciousness, accompanied by partial loss of protective reflexes, including the inability to respond purposefully to a verbal command, produced by a pharmacologic method."**

Page 2, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 8. IC 25-27.5-2-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 7.5. "General anesthesia" means a controlled state of unconsciousness, accompanied by a partial or complete loss of protective reflexes, including the inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic method.**

SECTION 9. IC 25-27.5-2-7.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 7.8. "Light conscious sedation" means a minimally depressed level of consciousness under which an individual retains the ability to independently and continuously**

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maintain an airway and respond appropriately to physical stimulation and verbal command, produced by a pharmacologic method."

Page 2, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 11. IC 25-27.5-2-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 12.5. "Regional block anesthesia" means spinal anesthesia, epidural anesthesia, major peripheral nerve blocks, and intravenous extremity blocks, but does not include local infiltration anesthetics and digital blocks.**"

Page 3, line 8, strike "CAHEA,".

Page 3, line 8, delete "CAAHEP, or a successor agency;" and insert **"an accrediting agency;"**.

Page 4, line 1, delete "subsection" and insert **"subsections"**.

Page 4, after "(b)" insert **"and (c)"**.

Page 4, between lines 6 and 7, begin a new paragraph and insert:

**"(c) A physician assistant may not prescribe, administer, or monitor general anesthesia, regional block anesthesia, and deep sedation. A physician assistant may not administer light conscious sedation during diagnostic tests, surgical procedures, or obstetric procedures unless the following conditions are met:**

**(1) A physician is physically present in the area and is immediately available to assist in the management of the patient.**

**(2) The physician assistant is qualified to rescue patients from deep sedation and is competent to manage a compromised airway and to provide adequate oxygenation and ventilation."**

Page 4, line 7, delete "(c)" and insert **"(d)"**.

Page 4, line 17, delete "(d)" and insert **"(e)"**.

Page 4, line 26, delete "drugs;" and insert **"drugs, except as provided in IC 25-27.5-5-4(c);"**.

Page 5, after line 25, begin a new paragraph and insert:

**"SECTION 17. IC 25-27.5-2-4 IS REPEALED [EFFECTIVE JULY 1, 2001]."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1951 as printed February 15, 2001.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred House Bill 1951, begs leave to report that said bill has been amended as directed.

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